

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

MARINA E. MASSA,

Plaintiff

V.

ANTHONY CHESTER,
ROBERTA CHESTER,

Defendants

C.A. No. 1:20-cv-00498

COMPLAINT

Plaintiff, Marina E. Massa, by and through her attorney, files this Complaint for Negligence and Damages, and hereby alleges and avers as follows:

Nature of Action

1. This Complaint arises out of a motor vehicle accident that occurred on December 8, 2017 in the State of Rhode Island. Plaintiff Marina E. Massa suffered severe and permanent injuries as a result of the Defendants' negligence, and Plaintiff requests judgment for damages and costs associated with the same.

Jurisdiction and Venue

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 in that diversity of citizenship exists between the Plaintiff and the Defendants and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.
3. Venue is proper in the District pursuant to 28 U.S.C. § 1391 (a)(1) and (2) as the Defendants reside in Newport, Rhode Island and the incident giving rise to the claims against the Defendants occurred in Middletown, Rhode Island.

Parties

4. Plaintiff, Marina E. Massa (“Plaintiff” and/or “Massa”) is a resident of the City of New Bedford, County of Bristol and Commonwealth of Massachusetts.
5. Defendant, Anthony Chester (“Defendant” and/or “A. Chester”) is a resident of the City of Newport, County of Newport and State of Rhode Island.
6. Defendant, Roberta Chester (“Defendant” and/or “R. Chester”) is a resident of the City of Newport, County of Newport and State of Rhode Island.

Factual Allegations

7. On December 8, 2017, at approximately 12:32 PM, Plaintiff was the operator of a motor vehicle which she was operating in a southerly direction on West Main Rd., near the intersection with Chase Ln., in the Town of Middletown, County of Newport, and State of Rhode Island.
8. At all times relevant hereto, Plaintiff was in the exercise of due care and caution in the operation of her motor vehicle.
9. On or about the same date, time and place referenced above, Defendant A. Chester was the operator of a motor vehicle owned by Defendant R. Chester, which he was operating with either express or implied consent, traveling in a northerly direction on West Main Rd., in the Town of Middletown, County of Newport, and State of Rhode Island.
10. On or about the same date, time and place referenced above Defendant A. Chester failed to yield to the southbound traffic on West Main Rd. as he attempted to turn left onto Chase Ln.
11. On or about the same date, time and place referenced above, Defendant A. Chester crashed into the front end of the motor vehicle operated by Plaintiff as he wrongfully attempted to turn left onto Chase Ln.
12. As a result of the substantial impact, Plaintiff suffered severe and permanent personal injuries.

Count I

13. Plaintiff hereby incorporates and realleges paragraphs 1 through 12 of this Complaint as if the same were set forth in full herein.
14. On or about the same date, time and place referenced above Defendant A. Chester owed a duty to Plaintiff including, but not limited to, a duty to ensure that Defendant R. Chester's motor vehicle was operated in a safe, reasonable and prudent manner.
15. On or about the same date, time and place referenced above, Defendant A. Chester negligently operated Defendant R. Chester's motor vehicle, by failing to yield to the traffic traveling southbound on West Main Rd. as he attempted to turn left onto Chase Ln., failing to maintain proper control of Defendant R. Chester's motor vehicle, and failing to operate Defendant R. Chester's motor vehicle in a safe and reasonable manner.
16. On or about the same date, time and place referenced above, Defendant A. Chester's negligent operation caused Defendant R. Chester's motor vehicle to violently crash into and/or collide with the motor vehicle operated by Plaintiff.
17. As a direct and proximate result of the negligence of Defendant A. Chester, Plaintiff has sustained personal injuries, experienced great pain and suffering, incurred and will continue to incur expenses for her medical care and attention, has suffered loss of enjoyment of life, has sustained permanent injuries, has incurred lost wages, and has suffered other great damages.

Wherefore, Plaintiff Marina E. Massa demands Judgment against Defendant Anthony Chester as follows:

- a. That this Honorable Court award the Plaintiff \$250,000.00 for the damages as set forth in this Complaint;
- b. For statutory interest on all sums and damages to which your Plaintiff is entitled;
- c. For all statutory remedies available pursuant to Rhode Island General Laws and otherwise to the extent allowed by law;
- d. For expenses and costs or suit; and
- e. For such other relief that this Honorable Court shall deem meet and just.

Count II

18. Plaintiff hereby incorporates and realleges paragraphs 1 through 17 of this Complaint as if the same were set forth in full herein.
19. On or about the same date, time and place referenced above, Defendant R. Chester by allowing, either expressly or impliedly, Defendant A. Chester to operate her motor vehicle, owed a duty of reasonable care to Plaintiff.
20. On or about the same date, time and place referenced above, Defendant R. Chester breached the duty of reasonable care owed to Plaintiff when Defendant A. Chester negligently operated Defendant R. Chester's motor vehicle and violently crashed into and/or collided with the motor vehicle operated by Plaintiff.
21. As a direct and proximate result of the negligence of Defendant R. Chester, Plaintiff has sustained personal injuries, experienced great pain and suffering, incurred and will continue to incur expenses for her medical care and attention, has suffered loss of enjoyment of life, has sustained permanent injuries, has incurred lost wages, and has suffered other great damages.

Wherefore, Plaintiff Marina E. Massa demands Judgment against Defendant Roberta Chester as follows:

- a. That this Honorable Court award the Plaintiff \$250,000.00 for the damages as set forth in this Complaint;
- b. For statutory interest on all sums and damages to which your Plaintiff is entitled;
- c. For all statutory remedies available pursuant to Rhode Island General Laws and otherwise to the extent allowed by law;
- d. For expenses and costs of suit; and
- e. For such other relief that this Honorable Court shall deem meet and just.

PLAINTIFF HEREBY DEMANDS A JURY TRIAL ON ALL CLAIMS SO TRIABLE.

Plaintiff, Marina E. Massa,
By her attorneys,

INMAN & TOURGEE

/s/ Mark D. Tourgee
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Dated: November 30, 2020